



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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www.southernshores-nc.gov

Council Meeting

April 16, 2013

9:00 a.m.-Pitts Center

Mayor Denny called the meeting to order at 9:00 a.m. in the Pitts Center with the following Council Members present: Mayor Hal Denny, Mayor Pro Tem Jodi Hess, Council Members George Kowalski, David Sanders and Larry Lawhon. Also present: Town Manager Peter Rascoe, Finance Officer Bonnie Swain and, Town Clerk Carrie Gordin.

Mayor Denny led the Pledge of Allegiance and held a Moment of Silence for the passing of long-time residents Bruce Harmon and Dave Peckens.

APPROVAL OF AGENDA

Mayor requested to amend the agenda by adding under New Business, Item H. "Mid-Currituck Bridge". Council Member Lawhon moved to approve the agenda as amended. Council Member Sanders seconded. The motion passed unanimously.

CONSENT AGENDA

Approval of Minutes-April 5, 2013

Resolution 2013-04-03 Declaring Certain Personal Property of the Town to be Surplus and Authorizing the Disposition of Said Property

Mayor Pro Tem Hess moved to approve the Consent Agenda as presented. Council Member Lawhon seconded. The motion passed unanimously.

[Clerk's Note: A copy of Resolution 2013-04-03 is hereby attached as Exhibit A].

GENERAL PUBLIC COMMENT-None

OLD BUSINESS-None

NEW BUSINESS

Draft General Operating Budget FY 2013-2014

The Town Manager presented a draft General Operating Budget for FY 13-14 based on projected revenues including those to be derived from property taxes using the County's new property valuation figures. He stated the Town's current tax rate is sixteen cents per one hundred dollars with one cent being equal to \$174,000. He stated the FY2013-2014 budget will show a twenty-two cent tax rate (revenue neutral) with one cent being equal to \$128,210. He is not recommending any tax rate increase in excess of the revenue neutral rate.

Following discussion the Town Manager stated he would present the proposed FY2013-2014 Budget at the May 7 Council meeting.

Mayor Denny set the proposed FY2013-2014 Budget Public Hearing for the June 4 Council Meeting at 7:00 p.m. in the Pitts Center.

Budget Amendment #9/Cemetery Beautification Expenses (FY2012-2013)

The Town Manager stated with recent Council discussions regarding ongoing beautification and maintenance of the Town's cemetery he is recommending funds be transferred to cover necessary expenses for this initiative for the remainder of this fiscal year. Expenses include grass, fertilizer, and temporary labor.

Council Member Kowalski moved to approved Budget Amendment #9 as presented. Mayor Pro Tem Hess seconded. The motion passed unanimously.

[Clerk's Note: A copy of Budget Amendment #9 is hereby attached as Exhibit B].

Draft Cemetery Fund Budget (FY2013-2014)

The Town Manager provided a draft FY2013-2014 Cemetery Fund budget for discussion and stated this would be included in the proposed FY2013-2014 budget to be presented in May.

Mayor Denny called for a short recess.

Consideration of Bid Award for Canal Maintenance Dredging Project Phase 2

The Town Manager stated due to only receiving two bidders on March 28 for the bid opening a second bid was required and set for April 10. At that time three bids were submitted. He stated upon review Salmons Dredging, Inc. is the lowest responsible bidder. He recommends to Council Salmons Dredging, Inc. as the contractor for the project in the amount of \$1,212,880 (base bid \$1,053,120 to include an alternate site \$159,760). He stated if Council were to approve this recommendation the contract award should be contingent upon the approval from the Local Government Commission (LGC) for the Town's loan application and actual closing of the loan.

Mayor Denny moved to authorize the Town Manager to make a contingent award with Salmons Dredging for the Canal Maintenance Dredging Project Phase 2 in the amount of \$1,212,880. Mayor Pro Tem Hess seconded. The motion passed unanimously.

The Town Manager recognized Tom Bennett stating Tom has stepped up and been involved throughout the canal dredging project as a contract consultant and as a volunteer and he thanked him for his professional assistance throughout the process.

Recommended Changes to the Town's Personnel Policy (MAPS GROUP)

The Town Manager presented recommended updates to the Town's Personnel Policy to Council for review and consideration. Following up on some grammatical errors Mayor Denny moved to approve recommended changes to the Personnel Policy dated April 13, 2013, specifically pages 1-45. Mayor Pro Tem Hess seconded. The motion passed unanimously.

Resolution 2013-04-02-Opposing the Subsurface Injection of Fracking Waste in Eastern North Carolina

Following discussion Council Member Kowalski moved to adopt Resolution 2013-04-02 as presented. Council Member Sanders seconded. The motion passed unanimously.

[Clerk's Note: A copy of Resolution 2013-04-02 is hereby attached as Exhibit C].

Resolution 2013-04-04-Supporting No Hunting on Sundays

Following discussion Mayor Pro Tem Hess moved to adopt Resolution 2013-04-04 as presented. Council Member Lawhon seconded. The motion passed 3 to 2 with Council Members Kowalski and Sanders voting no.

[Clerk's Note: A copy of Resolution 2013-04-04 is hereby attached as Exhibit D].

Mid-Currituck Bridge

Mayor Denny stated thirteen years ago the Town took a position to see that the Mid-Currituck Bridge project would be completed and appointed the Build the Bridge-Preserve Our Roads committee (BB-PR) to oversee the project and still there is no bridge. Recently it has been published that the state funding for this project is in jeopardy. The BB-PR committee is still working in trying to keep the funding approved for this project.

He introduced Gerrie Sullivan, resident and long-time member of the BB-PR Committee.

She provided a brief overview of the bridge project and requested that the people contact their legislators, by phone, letters and, emails, to ask that they support the funding for the bridge. She stated Currituck County is very active in trying to save the bridge project. She stated funds are needed to hire a lobbyist on the people's behalf to get the bridge built. She stated the BB-PR is now a non-profit corporation and is prepared to designate funds itself in the amount of \$10,000. She also stated Currituck County, the Town of Duck, and the Duck Business Alliance have also agreed to contribute funding. She requested Council consider appropriating funds for this effort.

Additional information can be found on the Town's website.

Mayor Denny moved that Council authorize the appropriation of funds in the amount of five thousand dollars (\$5,000) to Build the Bridge-Preserve Our Roads, Inc. for this effort. Council Member Sanders seconded. The motion passed unanimously.

OTHER ITEMS

Town Manager

The Town Manager reported on several issues:

- Honeysuckle Trail Street project is on-going
- Fern Drive street repairs will begin this week and a dip at Juniper/Fern intersection will also be incorporated into this project.
- NCDOT has authorized RPC to place curbing at the Juniper/Trinitie Trails Bridge
- Life guard service to commence mid-May with rovers and Memorial Day Weekend with stands.

Council Member Kowalski inquired about the DOT's schedule to install the pedestrian information signs for the street crossovers.

Mayor Denny suggested the curbing on the Juniper/Trinitie Trails Bridge be painted.

Mayor-None

Council

Council Member Sanders stated at the annual Southern Shores Realty Spring Fling many property owners commented that they liked being able to view the videotape of the Council meetings.

Mayor Pro Tem Hess stated she will be attending a Shoreline Management Committee meeting. She will provide a report to Council.


Mayor Denny moved to go into Closed Session Pursuant to NCGS 143-318.11.(a) (6) to discuss personnel issues. Mayor Pro Tem Hess seconded. The motion passed unanimously.

The Town Council returned to Open Session.

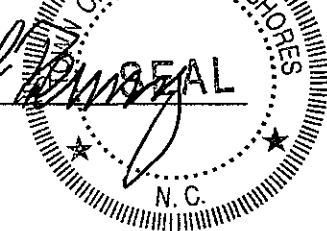
Mayor pro tem Hess moved to appoint Town employee Sheila Kane as Town Clerk and Town employee Carrie Gordin as Deputy Clerk effective May 1, 2013. Mayor Denny seconded. The motion passed unanimously. The Town Manager indicated to the Council that a re-assignment of existing and new duties would result in each of these Town employees now being able to take on new and critical responsibilities and duties for the benefit of the Town.

Hearing no other business Council Member Lawhon moved to adjourn at 12:15 PM. Council Member Sanders seconded. The motion passed unanimously.

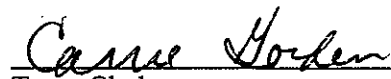
ATTEST:



Mayor



Respectfully submitted:



Town Clerk

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY OF THE TOWN
TO BE SURPLUS AND AUTHORIZING THE DISPOSITION OF SAID PROPERTY**

WHEREAS, the Town Council of the Town of Southern Shores, North Carolina, has determined that the Town owns certain personal property that is no longer needed or usable by the Town; and

WHEREAS, the property is described below:

- 3 Computer keyboards –1 wireless
- 1 Mouse – wireless
- 1 HP Scanjet 5300C flatbed scanner
- 1 HP Laserjet 1300n b/w printer
- 1 Texas Instruments TI-5033SV adding machine
- 1 IBM Wheelwriter 1000 typewriter by Lexmark
- 2 Dell CPUs model# OT7570
- 1 Dell Dimension 4400 CPU
- 1 DellMonitor 1704FPT+CPU
- 1 Tripp-Lite Surge Protector BCPers300
- 1 Transparency Projector-3M 9200
- 1 Texas Instruments-Optoma Model #EH1020 Projector
- 1 VVTEC Projector Screen- 99"x57"
- 1 Sanyo TV-32"
- 1 TV Stand- 54" tall holds 32"TV w/cabinet at bottom
- 1 TV/Transparency Stand 42" tall adjustable to 32" tall
- 1 TV Stand Wall Mount (Space Saver)
- 1 Acer Computer Monitor 19"
- 2 Samsung Computer Monitors 15" Sync Master
- 1 Rolls Mix Max RM81 (Microphone Volume Control)
- 1 Optimus Stereo AMP MPA- 250
- 1 EvroPower Mixer-PMP 2000 800 watt/10 channel
- 1 Sony Stereo Cassette Deck TC-WE835S
- 1 Radio Shack Stereo Mixer 4-Channel Model 32-1106
- 1 RCA 4-Head VCR
- 2 Sanyo 4-Head Hifi VCR
- 1 RCA DVD/CD Player DRC 233
- 1 Printer HP Deskjet 6840
- 1 Sentry Safe Model D-880

NOW, THEREFORE, BE IT RESOLVED by the Southern Shores Town Council that the Town Manager or his designee are hereby authorized to dispose of the aforementioned property by any means allowable to include offering for sale at public auction, donation to a nonprofit organization, internet on-line offering, private negotiation and sale, upset bid process, or destruction.

AND BE IT FURTHER RESOLVED that property described in this resolution is surplus as of April 16, 2013.

Hal Denny, Mayor

ATTEST:

Carrie Gordin, Town Clerk

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**Town of Southern Shores
Budget Amendment Number # 9**

Cemetery Fund Increases

<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
	<u>Revenues</u>	
30-40-36100	Cemetery Revenue	\$3,600
30-40-39909	Cemetery Fund Undes. FB	\$2,575
	-	
	<u>Expenditures</u>	
30-06-50908	Beautification	\$1,000
30-06-50151	Equipment Purchase	\$525
30-06-50010	Salaries	\$4,320
30-06-50050	FICA	\$330

Cemetery Fund Decreases

[illegible]

Explanation: Seed, fertilizer and labor for the cemetery

Recommended By:

J. Peter Rascoe, III, Town Manager

Approved By:

Hal Denny, Mayor

Date _____

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RESOLUTION 2013-04-02

**OPPOSING THE SUBSURFACE INJECTION OF FRACKING WASTE
IN EASTERN NORTH CAROLINA**

WHEREAS, the protection of Dare County's source of future drinking water supplies is vital to the current and future residents of Dare County. The proposed Senate Bill 76 will authorize the Department of Environment and Natural Resources (DENR) to issue permits on or after March 1, 2015 for oil and gas exploration and development activities in the State. Part IV of the proposed legislation is an amendment to the existing statute governing subsurface fluid injection. Currently, the discharge of any wastes to the subsurface or groundwaters of the State by means of wells is prohibited; and

WHEREAS, the intent of Part IV of SB76 is to lift the ban on subsurface injection through adoption of the following specific language: *"The discharge of any wastes to the subsurface or groundwaters of the State by means of wells is prohibited. This section shall not be construed to prohibit (i) the operation of closed-loop groundwater remediation systems in accordance with G.S. 143-215.1A or (ii) injection of hydraulic fracturing fluid for the exploration or development of natural gas resources and water produced from subsurface geologic formations during the extraction of natural gas, condensate, or oil in North Carolina;"* and

WHEREAS, SB76 therefore provides for the termination of the current ban on injection of liquid wastes by means of wells into the groundwater system in North Carolina, and SB76 specifically addresses the disposal of fluids produced during the process of hydraulic fracturing associated with the development of natural gas resources. Although SB76 does not include language which specially identifies where waste disposal (via well injection) will be permitted, there has been a significant amount of public discussion about the disposal of fracturing fluids into the aquifer systems of the North Carolina Coastal Plain. One specific area that has been targeted is the saline part of our Coastal Plain aquifers. The introduction of contaminants via injection wells directly threatens the utilization of all aquifers as potable water sources; and

WHEREAS, the Coastal Plain province is blessed with thick and prolific aquifers that provide the bulk of water for municipal, agricultural, industrial and residential use within the region. Only three communities in the entire Coastal Plain rely partly or solely on surface water. In spite of the presence of these prolific aquifer systems, increasing demands for water resources in the Coastal Plain has required the implementation of stringent water resource management programs, including the Central Coastal Plain Capacity Use Area. Dare County utilizes both the fresh water and salt water portions of our aquifers to meet our current and future water supply demands. One common misconception is that the saline portions of our coastal aquifer systems are unusable. Nothing could be further from the truth. Indeed, the saline portions of the system will become an increasingly important water source as population demands continue to increase; and

WHEREAS, the fresh and saline groundwater resources of the Coastal Plain of North Carolina are vital to the future of the region and the State of North Carolina as a whole. The protection of these vital resources cannot be compromised. We emphatically state our position that the North Carolina General Assembly not pass SB76, or any other legislation which effectively lifts the ban on injecting liquid wastes into the fresh or saline parts of the groundwater systems of North Carolina without first completing a thorough study of the potential effects of these actions. The coastal groundwater system is complex, and

the injection of liquid wastes into this system would prove to be detrimental. There are essentially no unusable portions of the groundwater system in the Coastal Plain, and targeting the saline portions as waste disposal reservoirs is based on lack of understanding of the value of the resource to the current and future viability of the region.

NOW, THEREFORE BE IT RESOLVED, that the Southern Shores Town Council urges the North Carolina General Assembly to maintain current laws in North Carolina that prevent disposal of hydraulic fracturing waste through underground injection or above ground storage in Eastern North Carolina and to take no action that would weaken these laws before a viable option for disposal of fracking waste is found that does not include Eastern North Carolina.

This 16th day of April, 2013.

Mayor

ATTEST:

Town Clerk

Exhibit D

Resolution 2013-04-04

**Resolution Opposing North Carolina Senate Bill 224
That Would Permit Sunday Hunting**

WHEREAS, North Carolina General Statute GS 103-2 currently prohibits hunting on Sundays with a shotgun, rifle or pistol; and

WHEREAS, Senate Bill 224 of the 2013 Session of the North Carolina General Assembly would remove the current prohibition by permitting Sunday hunting on private lands; and

WHEREAS, a 2006 survey by Virginia Tech for a cost of \$143,000 commissioned by the North Carolina Resources Commission released the following information: 65% of the general population opposes legalized hunting on Sunday and only 25% of the general population supported Sunday hunting.

WHEREAS, there have been no studies that would determine the effect on the resources of adding another hunting day to the week; and

WHEREAS, Sunday hunting compromises this safe enjoyment of many outdoor recreational activities; and

WHEREAS, the current ban protects rural churches from disruptions that would be caused by Sunday hunting; and

WHEREAS, no hunting on Sunday serves as a lay day for the conservation of North Carolina's wildlife resources and their habitats; and

WHEREAS, the addition of Sunday waterfowl hunting will reduce the season up to nine days.

NOW, THEREFORE BE IT RESOLVED, that the Southern Shores Town Council opposes Senate Bill 224 of the 2013 Session of the North Carolina General Assembly.

This 16th day of April 2013

BY: _____
Hal Denny, Mayor

ATTEST: _____
Carrie Gordin, Town Clerk